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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) No. CR 07-00373 RMW  
Plaintiff, )  
v. ) STIPULATION AND []  
NED ROSCOE, and ) ORDER TO CONTINUE STATUS  
JOHN ROSCOE, ) HEARING AND TO EXCLUDE TIME  
Defendants. ) FROM SEPTEMBER 2, 2008 THROUGH  
 ) OCTOBER 20, 2008 FROM THE SPEEDY  
 ) TRIAL ACT CALCULATION (18 U.S.C. §  
 ) 3161(h)(8)(A),(B))

On September 2, 2008, the parties appeared before the Court for a status hearing. Both defense counsel requested another status hearing on the asserted bases that they had recently received from the government additional discovery in this case, and were contemplating the potential issuance of Rule 17 subpoenas. The government did not oppose a short continuance of the status hearing; defense counsel requested 60 days for another status hearing. The Court set a status hearing on October 20, 2008, to which all parties agreed and stipulated to an exclusion of time under the Speedy Trial Act.<sup>1</sup>

<sup>1</sup> Moreover, in prior court appearances, the case had been deemed complex under 18 U.S.C. § 3161(h)(8)(B)(ii).

The United States hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Further, the case has been deemed complex under 18 U.S.C. § 3161(h)(8)(B)(ii).

DATED: September 4, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

EUMI L. CHOI /s/ \_\_\_\_\_  
Assistant United States Attorney

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/s/ \_\_\_\_\_  
Mark Eibert, Esq.  
Lead Attorney for Ned Roscoe

Peter Leeming, Esq.  
Lead Attorney for John Roscoe

## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between September 2, 2008 through October 20, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Moreover, the case has been deemed complex, 18 U.S.C. § 3161(h)(8)(B)(ii). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii).

IT IS SO ORDERED.

DATED: 9/8/08

RONALD M. WHYTE  
RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE